

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

FILED
U.S. DISTRICT COURT
DISTRICT OF NEBRASKA

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UNITED STATES OF AMERICA,

Plaintiff,

vs.

KAREN MCDANIEL,

Defendant.

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**ORDER
OF RESTITUTION**

This matter came on before the Court on April 3, 2009 upon the Petitions filed by Central Sign Supplies, Inc. and by Omaha Federal Credit Union. The Plaintiff is represented by Assistant United States Attorney Nancy A. Svoboda. The Petitioner, Central Sign Supplies, Inc. is represented by John J. Velasquez, Attorney at Law; the Petitioner, Omaha Federal Credit Union, is represented by Donald A. Roberts, Attorney at Law. The Court, being duly advised in the premises, finds as follows:

1. This lawsuit arose as a criminal action against Karen McDaniel alleging, generally, Ms. McDaniel forged checks drawn on Central Sign Supplies, Inc., then she deposited them into her own checking account. From there, she used those funds to pay her personal expenses, to include the acquisition of the following, specific properties:

- a. 2008 Forest River Cherokee Fifth Wheel, serial no. 4X4FCKE218X106266
- b. 2007 Ford F350 CC 4x4, VIN 1FTWW33P17EA31001
- c. 1999 Bombardier Personal Water craft, VIN ZZN72818L899
- d. Yacht Club Trailer, VIN 4H1001319T0189014
- e. 2008 Dodge Caliber R/T AWD 4DR SDN, VIN 1B3HE78K08D523625
- f. 2000 Eliminator Off Shore boat, HIN ELBH0250I900
- g. Prestige Trailer, VIN 4JHBT3028YD001752

2. Ms. McDaniel and the United States entered into a Plea Agreement in the criminal action. In it, Ms. McDaniel agreed to pay restitution to her victim, Central Sign Supplies, Inc. She also agreed to forfeit certain personal property to the United States.

3. On November 25, 2008, this Court entered a Preliminary Order of Forfeiture (Filing No. 45) forfeiting Karen McDaniel's interest in the properties described in paragraph no. 1, above, and directing the United States to publish notice of its intent to forfeit said properties to the United States. Additionally, the United States was ordered to provide direct, written notice to any person known to have an interest in the properties set forth in paragraph no. 1, above. Any person having an interest in the subject properties was to file a Petition with the Court within thirty days of receiving notice from the United States.

4. The United States provided direct, written notice to Omaha Federal Credit Union (Filing No. 46), Central Sign Supplies, Inc. (Filing No. 47) and Commerce Bank (Filing No. 48). Central Sign Supplies, Inc. timely filed a Petition (Filing No. 49); Omaha Federal Credit Union also timely filed a Petition (Filing No. 50). Commerce Bank did not file a Petition. Consequently, any interest Commerce Bank has in any of the properties mentioned in paragraph no. 1, above, is hereby extinguished.

5. Omaha Federal Credit Union has represented it has a valid security interest in the 2008 Forest River Cherokee Fifth Wheel, serial no. 4X4FCKE218X106266, the 2007 Ford F350 CC 4x4, VIN 1FTWW33P17EA31001 and the 2008 Dodge Caliber R/T AWD 4DR SDN, VIN 1B3HE78K08D523625. The United States so agrees.

6. The United States represents the 2000 Eliminator Off Shore boat, HINELBH0250I900, and the Prestige Trailer, VIN 4JHBT3028YD001752, are encumbered by a lien to Commerce Bank. However, since that lien has been extinguished, the boat and the trailer are now free and clear.

7. The 2008 Forest River Cherokee Fifth Wheel, serial no. 4X4FCKE218X106266, the 2007 Ford F350 CC 4x4, VIN 1FTWW33P17EA31001, the 2008 Dodge Caliber R/T AWD 4DR SDN, VIN 1B3HE78K08D523625, the 2000 Eliminator Off Shore boat, HIN ELBH0250I900, and the Prestige Trailer, VIN 4JHBT3028YD001752, are currently in the constructive possession of the United States Secret Service.

8. The United States has informed the Court it will not seek forfeiture of the properties listed in the Indictment filed against Ms. McDaniel. Rather, the United States has asked this Court to make said properties, or the net proceeds thereof, available to pay restitution to Central Sign Supplies, Inc. Petitioners, Omaha Federal Credit Union and Central Sign Supplies, Inc., acknowledge the United States' request and join in the requested effectuation thereof.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED as follows:

A. Any interest Commerce Bank may have had in the 2000 Eliminator Off Shore boat, HIN ELBH0250I900, and the Prestige Trailer, VIN 4JHBT3028YD001752, is hereby forever barred and foreclosed.

B. The United States Secret Service shall make the 2008 Forest River Cherokee Fifth Wheel, serial no. 4X4FCKE218X106266, the 2007 Ford F350 CC 4x4, VIN 1FTWW33P17EA31001, and the 2008 Dodge Caliber R/T AWD 4DR SDN, VIN 1B3HE78K08D523625, available to the Omaha Federal Credit Union. The Omaha Federal Credit Union shall sell the same and apply the proceeds in satisfaction of its lien. Omaha Federal Credit Union shall tender any remaining balance to the Clerk of the District Court for the District of Nebraska who, in turn, will pay the same to Central Sign Supply, Inc. as restitution.

C. The United States Secret Service will make the 2000 Eliminator Off Shore boat, HIN ELBH0250I900, and the Prestige Trailer, VIN 4JHBT3028YD001752, available to Central Sign Supplies, Inc. Central Sign Supplies, Inc. shall sell the same and provide a copy of the ensuing bill of

sale to the Clerk of the District Court for the District of Nebraska who, in turn, will credit the sales price to the amount of restitution Karen McDaniel owes to Central Sign Supplies, Inc.

ORDERED this 21st day of July, 2009.

BY THE COURT:



LYLE E. STROM, SENIOR JUDGE
United States District Court


Prepared and submitted by:

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Approved as to form and content:

CENTRAL SIGN SUPPLIES, INC.,
Petitioner

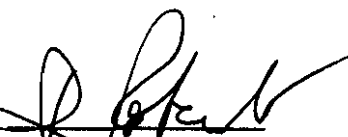
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OMAHA FEDERAL CREDIT UNION,
Petitioner

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